

ADMINISTRATIVE RULES

§ 967.150 Marketable Allotment.

(a) Producers holding Base Quantities shall register with the committee no later than May 1 of each year, on committee forms, to indicate their intentions and commitments to produce and market celery during the forthcoming season.

(b) As provided in § 967.38(f), Marketable Allotments shall be issued only to producers who have registered by May 1.

(c) Pursuant to § 967.36(b) no handler may handle any harvested celery when a Marketable Quantity is in effect, unless it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to § 967.37 and such producer authorized the first handler thereof to purchase or otherwise handle it. By October 1 of each season, each producer shall notify the committee, by certification to it on committee forms, the number of crates of harvested celery to be handled by each such handler; and if there are subsequent changes in arrangements, the committee shall similarly be notified.

[43 FR 15609, Apr. 14, 1978]

§ 967.151 Base Quantities.

(a) Pursuant to § 967.37(d)(1) a reserve of Base Quantities shall be established annually beginning with the 1978-79 season. Each annual reserve shall amount to 6 percent of the total of Base Quantities in effect for the previous season.

(1) Applicants for Base Quantities must apply to the committee for a portion of the reserve not later than April 15 each year on such forms as may be prescribed by the committee. Such forms may include, but not necessarily be limited to, details on:

(i) Individual or firm name and address.

(ii) Location and size of farming operation.

(iii) Evidence of any firm and substantial arrangements or commitments, such as contractual arrangements with credit agencies, handlers, fertilizer dealers, management agencies and others for the production and marketing of celery, including reference to land, equipment, occupation,

crops produced, and past experience in farming. Applicants for increases in Base Quantity also should provide substantial evidence of a capability to produce and market additional celery including specific references to celery sales relative to Marketable Allotments, production facilities and marketing facilities.

(b) Upon receipt of the completed application forms the committee shall consider and make determinations of the allocation of annual reserve Base Quantities among eligible applicants. Up to 50 percent of the total reserve shall be allocated among new producers. Such producers shall be those applicants who have no Base Quantity under the order, and any reserve Base Quantity distributed to such applicants shall be for the purpose of establishing new production and marketing of celery. Up to 50 percent of the total reserve shall be allocated among producer applicants with existing bases. In the event total applications in either category (new producers or producers with existing bases) exceed the amount of reserve Base Quantity authorized, the reserve in each category shall be apportioned among eligible applicants on a uniform basis. Any balance of the reserve which has not been allocated during a season shall not carry forward into the following season.

(c) As provided in § 967.37, the committee may provide for informal review in open meeting of the committee, or subcommittee thereof, of applicants' request for increases in Base Quantities or for Base Quantities. Such meeting shall be so conducted that an accurate record shall be made of relevant evidence presented. The record of such informal review, with references to relevant data and information presented, shall be retained by the committee and shall be subject to review by the Secretary.

(d) Each completed application form submitted to the committee shall be considered and determinations shall be made thereon. The committee shall notify each individual in writing of the action taken on the applications submitted. If the committee has not advised an individual of its decision by July 15, the individual may appeal to